

## CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY): \_\_\_\_\_


COURT (FOR CLERK USE ONLY): \_\_\_\_\_

FILED  
DISTRICT CLERK OF  
JEFFERSON CO TEXAS

8/13/2021 8:42 AM

JAMIE SMITH  
DISTRICT CLERK  
B-208118STYLED: **MARY GERAC VS. GOOD DEAL TRUCKING, INC. AND THEODORE PUTMAN**  
(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George J. Jones)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment motion for modification or enforcement is filed in a family law case. The information should be the best available at the time of filing. This sheet, approved by the Texas Judicial Council, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

<b>1. Contact information for person completing case information sheet:</b>  Name: Gilbert T. Adams, III Assistant – Misty Wenger  Address: P.O. Drawer 3688 Beaumont, Texas 77704  City/State/Zip: Beaumont, Texas 77704  Signature:  Email: gilbert@gta-law.com misty@gta-law.com  Telephone: 409.835.3000  Fax: 409.832.6162  State Bar No: 00790201		<b>Names of parties in case:</b>  Plaintiff(s)/Petitioner(s): Mary Gerac  Defendant(s)/Respondent(s): Good Deal Trucking, Inc. Theodore Putman  [Attach additional page as necessary to list all parties]		<b>Person or entity completing sheet is:</b> <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____  Additional Parties in Child Support Case:  Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____					
<b>2. Indicate case type, or identify the most important issue in the case (select only 1):</b>									
<b>Civil</b>			<b>Family Law</b>						
<b>Contract</b> <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____  <input type="checkbox"/> Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____		<b>Injury or Damage</b> <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <input type="checkbox"/> Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: _____ <input checked="" type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <input type="checkbox"/> Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input type="checkbox"/> Other Injury or Damage: _____		<b>Real Property</b> <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____  <b>Related to Criminal Matters</b> <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____		<b>Marriage Relationship</b> <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <b>Divorce</b> <input type="checkbox"/> With Children <input type="checkbox"/> No Children  <b>Other Family Law</b> <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____		<b>Post-judgment Actions (non-Title IV-D)</b> <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other  <b>Title IV-D</b> <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order  <b>Parent-Child Relationship</b> <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Paternity/Parentage <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____	
<b>Employment</b> <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____		<b>Other Civil</b> <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____							
<b>Tax</b> <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax		<b>Probate &amp; Mental Health</b> <b>Probate/Wills/Intestate Administration</b> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____							
<b>3. Indicate procedure or remedy, if applicable (may select more than 1):</b>									
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> Judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover					



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February 22, 2022

JAMIE SMITH, DISTRICT CLERK  
JEFFERSON COUNTY, TEXAS

 Page 1 of 1

T Document 1-3 Filed 02/22/22 Pa

CAUSE NO. \_\_\_\_\_

MARY GERAC

§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

VS.

JEFFERSON COUNTY, TEXAS

GOOD DEAL TRUCKING, INC. AND  
THEODORE PUTMAN

\_\_\_\_ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF THIS COURT:

COME NOW, **MARY GERAC**, hereinafter referred to as Plaintiff, complaining of and about **GOOD DEAL TRUCKING, INC. and THEODORE PUTMAN**, hereinafter referred to as Defendants, and in support hereof would show unto the Court as follows:

**1.00 PARTIES**

1.01 Plaintiff, **MARY GERAC** was at all material times a resident citizen of Jefferson County, Texas.

1.02 Defendant, **GOOD DEAL TRUCKING, INC.**, is a foreign corporation doing business in the State of Colorado; said Defendant has not registered with the Texas Secretary of State and has not designated a registered agent for services of process in Texas. Defendant may be served with process, citation and this petition by serving its registered agent, **Alex Pshichenko, 8634 W. 79<sup>th</sup> Pl., Arvada, Colorado 80005** by the District Clerk by certified mail return receipt in accordance with Rule 106 of the Texas Rules of Civil Procedure. **SERVICE IS NOT REQUESTED AT THE TIME OF FILING AND WILL BE OBTAINED AT A LATER DATE.**

1.03 Defendant, **THEODORE PUTMAN**, was at all material times, resident citizen of the State of Texas; said Defendant may be served with process, citation and this petition by serving him at his current address: **186 Private Road 8021, Call, Texas 75933** by the District Clerk by certified mail return receipt in accordance with Rule 106 of the Texas Rules of Civil



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JAMIE SMITH, DISTRICT CLERK  
JEFFERSON COUNTY, TEXAS

Plaintiff's Original Petition *Jamie Smith* Page 1 of 7

Procedure. **SERVICE IS NOT REQUESTED AT THE TIME OF FILING AND WILL BE OBTAINED AT A LATER DATE.**

## **2.00 JURISDICTION AND VENUE**


2.01 Damages in this personal injury case, exclusive of interest and costs, exceed the minimum jurisdictional limits of this court.

2.02 Venue is proper in Jefferson County based on § 15.002 the Texas Civil Practice & Remedies Code as it is the county where all or a substantial part of the events or omissions giving rise to the claim occurred. More specifically, the wreck occurred in Newton County, Texas.

2.03 Pursuant to TEXAS RULE OF CIVIL PROCEDURE 190.1, Plaintiff intends to conduct discovery in this case under Level III as proscribed by TEXAS RULE OF CIVIL PROCEDURE 190.4. At this time, the full extent of Plaintiff's injuries is not known. Plaintiff presently seek monetary relief in accordance with TRCP paragraph (c) (5) of R. 47; however, Plaintiff reserve the right to amend this petition, including this provision. One or more Defendants was a resident of the State of Texas destroying diversity of citizenship – including the negligent driver - at the time of the occurrence making removal improper even though the amount in controversy greatly exceeds \$75,000.00. There is no federal question plead.

## **3.00 STATEMENT OF FACTS**

3.01 This suit is necessary to collect a legal debt and damages due and owing your Plaintiff, **MARY GERAC**, arising from an automobile wreck that occurred IH 10 in Beaumont, Jefferson County, Texas or about June 24, 2021. At the outset, your Plaintiff has requested the preservation of the vehicle and records and documents which may lead to the discovery of admissible evidence.

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February 22, 2022  
JAMIE SMITH, DISTRICT CLERK  
JEFFERSON COUNTY, TEXAS  
This wreck was caused by the negligence and/or gross negligence of the  
Defendants who proximately caused the collision and Plaintiff's injuries and damages  
Plaintiff's Original Petition *Jamie Smith* Page 2 of 7  
2 | Page

referenced hereinabove.

3.03 On the occasion in question, Plaintiff, **MARY GERAC**, was injured when the automobile she occupied was struck by the automobile owned, leased, rented, borrowed, driven, operated and/or controlled by one or more of the Defendants. The collision was caused as a result of negligence and/or gross negligence of the Defendant, **THEODORE PUTMAN**. At the time of the collision Defendant, **THEODORE PUTMAN** who was an employee or agent, actual or apparent, acting on behalf of Defendant, **GOOD DEAL TRUCKING, INC.** The automobile Defendant, **THEODORE PUTMAN** was operating, was owned, operated and/or controlled by Defendant, **GOOD DEAL TRUCKING, INC.**, and/or its agents, servants and/or employees.

3.04 Defendants' vehicle was traveling at an unsafe speed on IH 10 when Defendants' vehicle collided into the Plaintiff.

3.05 As a proximate result of the negligence of the Defendants, Plaintiff suffered injuries referenced hereinabove.

#### **4.00 CLAIMS FOR RELIEF**

4.01 All factual allegations set forth hereinabove and below are adopted into this count as though set forth herein word for word.

4.02 In particular, it is believed that on the occasion in question, the Defendants failed to exercise the degree of care that a reasonable and prudent person would have in at least the following particulars:

4.021 In negligently traveling at an unsafe speed;

4.022 In failing to keep a proper lookout;

4.023 In failing to maintain and/or adequately maintain the vehicle;

4.024 In failing to train and/or adequately train;

4.025 In failing to warn and/or adequately warn;

4.026 In negligently exercising their retained right of control;



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February 22, 2022

JAMIE SMITH, DISTRICT CLERK  
JEFFERSON COUNTY, TEXAS

Plaintiff's Original Petition *Jamie Smith* Page 3 of 7

4.027 In negligently hiring, qualifying and/or requalifying;

4.028 In colliding into Plaintiff;

4.029 In failing to timely apply brakes;

4.030 Such other and further acts and omissions constituting negligence as the term is understood in law, as may be shown at the trial of this case.

4.03 In addition to common law negligence, your insured also violated certain provisions of the Texas Transportation Code and Texas Driver's Handbook published by the Texas Department of Public Safety constituting negligence per se.

4.04 The above acts, omissions, and mental attitude were singularly and/or severally a proximate cause of the injuries and damages sustained by your Plaintiff.

## **5.00 DAMAGES**

5.01 As a producing and proximate result of the Defendants' tortious acts, the Plaintiff sustained severe and disabling injuries to her body generally, including her cervical spine, lumbar spine, hip, head and body generally resulting in a number of medical symptoms and/or adverse reactions reducing the quality of her life. Due to the nature and severity of her injuries, Plaintiff has been required to seek medical treatment. Plaintiff has been required to pay and incur liability to pay the charges which have been made for such medical services. In the future, it is reasonably probable that Plaintiff will probably require additional medical care, treatment and procedures and will be required to pay and incur liability to pay the charges which will be made for such services. The charges which have been made and which will be made for such services rendered to the Plaintiff have represented and will represent the usual, reasonable and customary charges for like and similar services in the vicinity where they have been and will be rendered. All of such services, both past and future, have been and will be necessary in connection with the proper



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February 22, 2022

JAMIE SMITH, DISTRICT CLERK  
JEFFERSON COUNTY, TEXAS

Plaintiff's Original Petition *Jamie Smith* Page 4 of 7

treatment of the injuries suffered by the Plaintiff as a result of the occurrence made the basis of this suit.

5.02 All of the above damages suffered by the Plaintiff is the proximate or producing results of the acts and/or omissions of the Defendants complained of in this Petition and are in excess of the jurisdictional limits of this Court.

5.03 Your Plaintiff has sustained compensatory damages as a producing and/or proximate cause in at least the following particulars, which are expected and in all reasonable probability will continue into the future:

5.031 Reasonable and necessary costs of medical care and treatment including doctors, hospitals, nurses, medicine, and other services and supplies in the past and future;

5.032 Physical pain and suffering;

5.033 Mental anguish, not only with regard to the immediate incident as it unfolded, but also with regard to the devastating impact the incident and injuries have had on her life, and that they will probably have on the remainder of her life, including the anxiety of diminished life enjoyment and freedom of movement, and the fear and anxiety associated with the various therapies, medical procedures, and treatment that will probably be necessary to properly treat the Plaintiff; and

5.034 Physical impairment.

5.035 Lost wages; and

5.036 Loss of earning capacity.

5.04 Defendants' conduct gives rise to exemplary damages in an amount allowable by the applicable laws and statutes.

5.05 If your Plaintiff was suffering from any pre-existing disease or condition which could be said to have contributed to the injuries and damages herein alleged, they were not disabling until aggravated, excited and otherwise caused a flare-up as a natural consequence of

the incident.



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February 22, 2022

JAMIE SMITH, DISTRICT CLERK  
JEFFERSON COUNTY, TEXAS

Plaintiff's Original Petition *Jamie Smith* Page 5 of 7

**6.00 RIGHT TO AMEND**


6.01 Plaintiff hereby expressly reserves the right to amend her pleadings to conform to the evidence.

**7.00 PRAYER**

7.01 WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that the Defendants be cited to appear and answer herein and that on a final trial hereof, Plaintiff have judgment against the Defendants for an amount in excess of the minimum jurisdictional limits of this Court as compensation for your Plaintiff's damages, to be determined by the trier of fact, including:

- 7.011 Actual damages as pleaded;
- 7.012 Reasonable and necessary costs of medical care and treatment including doctors, hospitals, nurses, medicine, and other services and supplies in the past and future;
- 7.013 Physical pain and suffering, past and future;
- 7.014 Mental anguish, not only with regard to the immediate incident as it unfolded, but also with regard to the devastating impact the incident and injures have had on the Plaintiff's life, and that she will probably have on the remainder of the Plaintiff's life, including the loss of enjoyment of life, the anxiety of diminished life enjoyment and freedom of movement, the personal inconvenience, humiliation and embarrassment, and the fear and anxiety associated with the various therapies, medical procedures, and treatment that will in all reasonable probability be necessary to properly treat the Plaintiff in the future;
- 7.015 Physical impairment, past and future;
- 7.016 Property damages, storage fees, towing fees and loss of use;
- 7.017 Lost wages an/or loss of earning capacity;
- 7.018 Pre-judgment and post-judgment interest in the highest amounts allowed by law;
- 7.019 Exemplary damages;
- 7.020 Costs of Court; and

Plaintiff prays for such relief, at law or in equity, to which Plaintiff is justly entitled.

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February 22, 2022  
JAMIE SMITH, DISTRICT CLERK  
JEFFERSON COUNTY, TEXAS  
Plaintiff's Original Petition *Jamie Smith* Page 6 of 7

6 | Page



**8.00 REQUEST FOR JURY TRIAL**

8.01 It is requested, pursuant to Rule 216 of the Texas Rules of Civil Procedure, that this matter be tried before a jury. An appropriate jury fee has been submitted.

**9.00 REQUEST FOR DISCLOSURE AND USE OF DOCUMENTS**

9.01 Plaintiff hereby requests that Defendants timely and fully comply with Rule 194(a)-(l) and make all supplements as soon as reasonably practicable. Further, Plaintiff hereby place Defendants on notice that any documents marked as exhibits to depositions and/or produced by Defendants herein will be used in pre-trial and/or trial proceedings.

**10.00 REQUEST FOR WITHHOLDING STATEMENT**

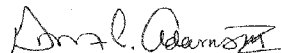
10.01 To the extent any Defendant withholds requested documents on the basis of assertion of privilege, demand is made for compliance with TRCP 193.3 and the production of an adequate withholding statement.

**11.00 DESIGNATION OF LEAD COUNSEL**

11.01 Pursuant to Rule 8, of the Texas Rules of Civil Procedure, Gilbert T. Adams, III, of Gilbert Adams Law Offices, is designated as the attorney in charge for the Plaintiff in all matters relating to these claims.

Respectfully submitted,

GILBERT ADAMS LAW OFFICES  
1855 Calder Avenue at Third  
P.O. Drawer 3688  
Beaumont, Texas 77704  
Phone (409) 835-3000  
Fax (409) 832-6162  
Email [Gilbert@gta-law.com](mailto:Gilbert@gta-law.com)



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**GILBERT T. ADAMS, III**  
State Bar No. 00790201

**ATTORNEY FOR PLAINTIFF**



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February 22, 2022

JAMIE SMITH, DISTRICT CLERK  
JEFFERSON COUNTY, TEXAS



Citation by Mailing

**THE STATE OF TEXAS**

JEFFERSON COUNTY, TEXAS  
 10/22/2021 1:52 PM  
 JAMIE SMITH  
 DISTRICT CLERK  
 B-208118

No. B-0208118

MARY GERAC  
 VS. GOOD DEAL TRUCKING INC ET AL

**CITATION BY MAILING**

**60 th JUDICIAL DISTRICT COURT  
 of JEFFERSON COUNTY, TEXAS**

To: **BLOCK, PHILLIP**

by serving at:  
 39 WOOD MANOR PLACE  
 THE WOODLANDS, TX 77381 0000

**DEFENDANT:****NOTICE:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Said answer may be filed by E-filing through efiletexas.gov, if represented by an attorney; or if filed pro se by delivering or mailing same to: District Clerk's Office, 1085 Pearl, Room 203, Beaumont, TX 77701. The case is presently pending before the 60 th District Court of Jefferson County sitting in Beaumont, Texas, and was filed on the 13th day of August, 2021. It bears cause number B-0208118 and is styled:

VS. **MARY GERAC**  
**GOOD DEAL TRUCKING INC ET AL**

Plaintiff:

Defendant:

The name and address of the attorney for plaintiff (or plaintiff, if pro se) is:

**ADAMS, GILBERT T III, Atty.**  
**1855 CALDER AVENUE**  
**BEAUMONT, TX 77701 0**

The nature of the demands of said plaintiff is shown by a true and correct copy of Plaintiff's PETITION (1ST AMENDED) accompanying this citation and made a part thereof.

Issued under my hand and the seal of said court, at Beaumont, Texas, this the 14th day of October, 2021.

JAMIE SMITH, DISTRICT CLERK  
 JEFFERSON COUNTY, TEXAS



I CERTIFY THIS IS A TRUE COPY  
 Witness my Hand and Seal of Office

February 22, 2022

JAMIE SMITH, DISTRICT CLERK  
 JEFFERSON COUNTY, TEXAS

*Jamie Smith*  
 Page 1 of 4

BY

Jennifer

Deputy

RETURN OF SERVICE

B-0208118

60 th JUDICIAL DISTRICT COURT

MARY GERAC

GOOD DEAL TRUCKING INC ET AL

Executed when copy was delivered:

This is a true copy of the original citation, was delivered to defendant Phillip Block, on the 16th day of October, 20 21.

\_\_\_\_\_, Officer  
\_\_\_\_\_, County, Texas  
By: \_\_\_\_\_, Deputy

ADDRESS FOR SERVICE:  
BLOCK, PHILLIP

39 WOOD MANOR PLACE

THE WOODLANDS, TX 77381 0000

OFFICER'S RETURN

Came to hand on the 21st day of October, 20 21, at \_\_\_\_\_, o'clock \_\_\_\_ m., and executed in Jefferson County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the Citation by Mailing at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
<u>Phillip Block</u>	<u>Oct 16, 2021 2:28pm</u>	<u>39 Wood Manor Pl, The Woodlands, TX 77381</u>

And not executed as to the defendant(s), \_\_\_\_\_

The diligence used in finding said defendant(s) being:

CM/RR

and the cause or failure to execute this process is:

and the information received as to the whereabouts of said defendant(s) being:

FEES:

Serving Petition and Copy \$ 75  
Total \$ 75

Jamie Smith, Officer  
\_\_\_\_\_, County, Texas

By: \_\_\_\_\_, Deputy  
Affiant

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign and return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_, and my address is \_\_\_\_\_  
(First, Middle, Last)

(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in \_\_\_\_\_, County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_.



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February 22, 2022

JAMIE SMITH, DISTRICT CLERK  
JEFFERSON COUNTY, TEXAS

Jamie Smith  
Page 2 of 4

Declarant/Authorized Process Server

(Id # expiration of certification)

JAMIE SMITH  
DISTRICT CLERK, JEFFERSON COUN  
1085 PEARL ST RM 203  
BEAUMONT, TX 77701-3545



9214 8901 0661 5400 0167 8885 54

RETURN RECEIPT (ELECTRONIC)

PHILLIP BLOCK  
39 WOOD MANOR PL  
THE WOODLANDS, TX 77381-2803

CUT / FOLD HERE

Zone 1

6"X9" ENVELOPE  
CUT / FOLD HERE

CUT / FOLD HERE



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February 22, 2022

JAMIE SMITH, DISTRICT CLERK  
JEFFERSON COUNTY, TEXAS

*Jamie Smith* Page 3 of 4



October 16, 2021

Dear MAIL MAIL:

The following is in response to your request for proof of delivery on your item with the tracking number:  
**9214 8901 0661 5400 0167 8885 54.**

#### Item Details

**Status:** Delivered, Left with Individual  
**Status Date / Time:** October 16, 2021, 2:28 pm  
**Location:** SPRING, TX 77381  
**Postal Product:** First-Class Mail®  
**Extra Services:** Certified Mail™  
 Return Receipt Electronic  
**Recipient Name:** PHILLIP BLOCK

#### Recipient Signature

Signature of Recipient:

Address of Recipient:

39 WOOD MANOR PL SPRING,  
 TX 77381

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,  
 United States Postal Service®  
 475 L'Enfant Plaza SW  
 Washington, D.C. 20260-0004

The customer reference information shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.



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February 21, 2022

JAMIE SMITH, DISTRICT CLERK  
 JEFFERSON COUNTY, TEXAS

*Jamie Smith*

Page 4 of 4

Reference ID: 92148901066154000167888554

PHILLIP BLOCK

39 Wood Manor Pl

The Woodlands, TX 77381-2803



FILED  
DISTRICT CLERK OF  
JEFFERSON CO TEXAS  
11/8/2021 10:35 AM  
JAMIE SMITH  
DISTRICT CLERK  
B-208118

CAUSE NO. B-0208118

MARY GERAC	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
	§	
v.	§	JEFFERSON COUNTY, TEXAS
	§	
GOOD DEAL TRUCKING, INC.,	§	
THEODORE PUTMAN, and	§	
PHILLIP BLOCK	§	
<i>Defendants.</i>	§	60TH JUDICIAL DISTRICT

**DEFENDANT PHILLIP BLOCK'S ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, PHILLIP BLOCK, Defendant in the above entitled and numbered cause, and files this, his Original Answer to Plaintiff's Original Petition, and respectfully shows the Court as follows:

**I. ORIGINAL ANSWER**

**GENERAL DENIAL**

1. Subject to such stipulations and/or admissions that may hereinafter be made, Defendant enters this general denial pursuant to Rule 92 of the Texas Rules of Civil Procedure, thereby denying every allegation against Defendant contained in Plaintiff's live petition and demanding strict proof thereof as required by the laws of the State of Texas.

**AFFIRMATIVE DEFENSES**

2. Further, and/or in the alternative, Defendant invokes the statutory limitation on the recovery of medical or health care expenses under the provisions of TEX. CIV. PRAC. & REM. CODE § 41.0105.

3. Further, and/or in the alternative, Defendant affirmatively pleads the defenses of contribution and proportionate responsibility pursuant to Chapters 32 and 33 of the Texas Civil Practice & Remedies Code and asserts that the alleged damage in question was caused in whole or



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February 22, 2022

JAMIE SMITH, DISTRICT CLERK  
JEFFERSON COUNTY, TEXAS

*Jamie Smith* Page 1 of 4



in part by the acts, omissions, comparative negligence, and/or contributory negligence of Plaintiff, other parties, and/or non-parties over which Defendant exercised no control. Accordingly, Defendant respectfully requests the Court and/or jury compare the relative percentages of fault of all parties to this lawsuit and any negligent, culpable and/or strictly liable third party and/or responsible third party, whether a party to this suit or otherwise, pursuant to the doctrine of proportionate responsibility. *See* TEX. CIV. PRAC. & REM. CODE §§ 33.001-33.017.

4. Further, and/or in the alternative, Plaintiff's alleged injuries, if any, were a result of prior and/or subsequent conditions or occurrences for which Defendant was not responsible.

5. Further, and/or in the alternative, Defendant asserts that any complained of damages by Plaintiff was not caused by the actions of Defendant, rather they were pre-existing conditions in Plaintiff at the time of the incident which serves as the basis for this suit.

6. Further, and/or in the alternative, to the extent Plaintiff is asserting recovery of lost earnings, loss earning capacity, loss contribution of pecuniary value or loss of inheritance, the limitations of TEX. CIV. PRAC. & REM. CODE § 18.091 apply.

7. Pleading in the alternative, if such be necessary, Defendant invokes his rights under the Eighth and Fourteenth Amendments of the United States Constitution and respectfully requests that this Court disallow the award of punitive and/or exemplary damages inasmuch as an award in this case would constitute a violation of the Defendant's Constitutional Rights.

8. Pleading in the alternative, if such be necessary, Defendant is not liable herein because the injuries claimed by Plaintiff were not caused, proximately or otherwise, by Defendant's acts or omissions.

## **II. RIGHT TO AMEND**

9. Defendant reserves the right to amend its answer and defenses herein as matters are more fully developed.



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JAMIE SMITH, DISTRICT CLERK  
JEFFERSON COUNTY, TEXAS

*Jamie Smith* Page 2 of 4

### **III. PRAYER**

WHEREFORE, PREMISES CONSIDERED, Defendant PHILLIP BLOCK respectfully prays that the relief sought in Plaintiff's Original Petition be DENIED, that Plaintiff takes nothing, and that Defendant PHILLIP BLOCK goes hence without delay with his costs and all such other and further relief to which he may be justly entitled to receive.

Respectfully submitted,

#### **EGGLESTON & BRISCOE, LLP**

333 Clay Street, Suite 4800

Houston, Texas 77002

(713) 659-5100 – Telephone

(713) 951-9920 – Facsimile

By: /s/ David K. Loveless

David K. Loveless

State Bar No. 24060192

[dkl@egglesonbriscoe.com](mailto:dkl@egglesonbriscoe.com)

e-service copy to: [lmb@egglesonbriscoe.com](mailto:lmb@egglesonbriscoe.com)

### **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was forwarded via facsimile and/or electronic notification, or any other method approved by the Texas Rules of Civil Procedure on this the 8th day of November 2021, to:

Gilbert T. Adams, III  
Gilbert Adams Law Offices  
1855 Calder Avenue at Third  
P.O. Drawer 3688  
Beaumont, Texas 77704  
[gilbert@gta-law.com](mailto:gilbert@gta-law.com)

/s/ David K. Loveless

David K. Loveless



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JEFFERSON COUNTY, TEXAS

*Jamie Smith* Page 3 of 4

**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Lori Buehring on behalf of David Loveless  
 Bar No. 24060192  
 lmb@egglestonbriscoe.com  
 Envelope ID: 58937822  
 Status as of 11/8/2021 10:41 AM CST

## Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Misty Wenger		misty@gta-law.com	11/8/2021 10:35:11 AM	SENT
JJ Bragg		jjbragg@gta-law.com	11/8/2021 10:35:11 AM	SENT
Kendra Wade		kendra@gta-law.com	11/8/2021 10:35:11 AM	SENT
Michelle Benoit		michelle@gta-law.com	11/8/2021 10:35:11 AM	SENT
David KLoveless		dkl@egglestonbriscoe.com	11/8/2021 10:35:11 AM	SENT
Lori Buehring		lmb@egglestonbriscoe.com	11/8/2021 10:35:11 AM	SENT
Cristina Carrigan		cc@egglestonbriscoe.com	11/8/2021 10:35:11 AM	SENT

## Associated Case Party: MARYGERAC

Name	BarNumber	Email	TimestampSubmitted	Status
Gilbert Adams III		gilbert@gta-law.com	11/8/2021 10:35:11 AM	SENT



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February 22, 2022

JAMIE SMITH, DISTRICT CLERK  
 JEFFERSON COUNTY, TEXAS

*Jamie Smith* Page 4 of 4



FILED  
DISTRICT CLERK OF  
JEFFERSON CO TEXAS  
10/13/2021 4:45 PM  
JAMIE SMITH  
DISTRICT CLERK  
B-208118

## CAUSE NO. B-208118

MARY GERAC § IN THE DISTRICT COURT OF  
VS. § JEFFERSON COUNTY, TEXAS  
GOOD DEAL TRUCKING, INC., ET AL § 60TH JUDICIAL DISTRICT

**PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF THIS COURT:

COME NOW, **MARY GERAC**, hereinafter referred to as Plaintiff, complaining of and about **GOOD DEAL TRUCKING, INC., THEODORE PUTMAN** and **PHILLIP BLOCK** hereinafter sometimes collective referred to as Defendants, and in support hereof would show unto the Court as follows:

**1.00 PARTIES**

1.01 Plaintiff, **MARY GERAC** was at all material times a resident citizen of Texas.

1.02 Defendant, **GOOD DEAL TRUCKING, INC.**, is a foreign corporation doing business in the State of Colorado; said Defendant has not registered with the Texas Secretary of State and has not designated a registered agent for services of process in Texas. Said Defendant may be served with process, citation and this petition by serving its agent for service of process as a nonresident doing business in this State and committing tortious conduct within this State causing Plaintiff's injuries and damages: **Ms. Ruth Hughes, Secretary of the State of Texas** at **James E. Rudder Building, 1019 Brazos, Room 105, Austin, Texas 78701** as in accordance with Rule 106 of the Texas Rules of Civil Procedure. The Texas Secretary of State is directed to serve and did serve Defendant, **GOOD DEAL TRUCKING, INC.** by serving its President, owner, officer and Registered Agent in accordance with §17.043 of the Texas Civil Practices & Remedies Code:

**Mr. Yaroslav Pshichenko**  
**208 Chateau Lane**  
**Reakirt City, Georgia 30269**



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February 22, 2022

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JEFFERSON COUNTY, TEXAS

1.03 Defendant, **THEODORE PUTMAN**, is and was at all material times a resident citizen of the State of Texas; who may be served with process by the District Clerk by certified mail return receipt in accordance with Rule 106 of the Texas Rules of Civil Procedure this petition and citation **Mr. J. Bruce Bugg, Jr., Chairman Texas Transportation Commission at 125 E. 11<sup>th</sup> Street, Austin, Texas 78701-2483** in accordance with Rule 106 of the Texas Rules of Civil Procedure. Mr. Bugg is directed to and did serve the nonresident motorist in accordance with 17.061 of the Texas Civil Practice & Remedies Code by serving the nonresident Defendant, **THEODORE PUTMAN** at his usual and customary business address as identified to the investigating officer and identified on the crash report:

**508 E. Osborne Avenue  
Tampa Florida 33603**

1.04 Defendant, **PHILLIP BLOCK**, was at all material times, resident citizen of the State of Texas; said Defendant may be served with process, citation and this petition by serving him at his current address: **39 Wood Manor Place, The Woodlands, Texas 77381** by the District Clerk by certified mail return receipt in accordance with Rule 106 of the Texas Rules of Civil Procedure.

## **2.00 JURISDICTION AND VENUE**

2.01 Damages in this personal injury case, exclusive of interest and costs, exceed the minimum jurisdictional limits of this court.

2.02 Venue is proper in Jefferson County based on § 15.002 the Texas Civil Practice & Remedies Code as it is the county where all or a substantial part of the events or omissions giving rise to the claim occurred. More specifically, the wreck occurred in Jefferson County, Texas.

Pursuant to TEXAS RULE OF CIVIL PROCEDURE 190.1, Plaintiff intends to conduct discovery in this case under Level III as proscribed by TEXAS RULE OF CIVIL PROCEDURE 190.4.

Plaintiff's First Amended Original Petition Page 2 of 11



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JEFFERSON COUNTY, TEXAS

At this time, the full extent of Plaintiff's injuries is not known. Plaintiff presently seek monetary relief in accordance with TRCP paragraph (c) (5) of R. 47; however, Plaintiff reserve the right to amend this petition, including this provision. One or more Defendants – including the drivers - was a resident of the State of Texas destroying diversity of citizenship at the time of the occurrence making removal improper even though the amount in controversy greatly exceeds \$75,000.00. There is no federal question plead. As such, if one or more of the Defendants file a Notice of Removal, said Notice will be improper and Plaintiff will seek attorneys fees, expenses and/or sanctions for the improper removal and the delay and/or expense caused thereby.


### **3.00 STATEMENT OF FACTS**

3.01 This suit is necessary to collect a legal debt and damages due and owing your Plaintiff, **MARY GERAC**, arising from an automobile wreck that occurred IH 10 in Beaumont, Jefferson County, Texas or about June 24, 2021. At the outset, your Plaintiff has requested the preservation of the vehicle and records and documents which may lead to the discovery of admissible evidence.

3.02 This wreck was caused by the negligence and/or gross negligence of the Defendants which proximately caused the collision and Plaintiff's injuries and damages referenced hereinabove.

3.03 While occupying her vehicle, Plaintiff was struck not once, but twice by both Defendant drivers named herein.

3.04 At the time of the first collision, Plaintiff lawfully occupied the middle lane traveling east on IH-10. Defendant, **THEODORE PUTMAN**, struck Plaintiff's vehicle in the lane she lawfully occupied. According to the investigating officer, Defendant, **THEODORE PUTMAN**, stated that he "lost control and drifted into" Plaintiff's lane of travel colliding into her vehicle causing Plaintiff's vehicle to overturn and come to rest on its side in the eastbound lane of IH-10.

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JEFFERSON COUNTY, TEXAS  
Plaintiff's First Amended Original Petition  
3 | Page

3.05 After Plaintiff's vehicle came to a rest on its side, Defendant, **PHILLIP BLOCK**, who had also been traveling eastbound on IH-10, failing to timely apply his brakes and struck the undercarriage of Plaintiff's vehicle. Had Defendant, **PHILLIP BLOCK**, been keeping a proper lookout and/or timely applied his brakes, he would have avoided colliding into Plaintiff's vehicle.

3.06 The collisions were investigated by Officer C. Burrell with the Beaumont Police Department who prepared an official TxDOT crash report assigning it ID Number 18335683.1/2021285158. Said crash report is in the possession of the Defendants, their agents and/or representatives.

3.07 In said crash report, Officer Burrell assigned as "Unit 1" the tractor and as "Unit 2" the trailer operated by Defendant, **THEODORE PUTMAN**, and pursuant to authority issued by the U.S. Department of Transportation to both him and his statutory and/or common law employer and/or principal, Defendant, **GOOD DEAL TRUCKING, INC.**

3.08 Defendant, **GOOD DEAL TRUCKING, INC.**, was the owner of the tractor operated by Defendant driver, **THEODORE PUTMAN**.

3.09 Defendant, **GOOD DEAL TRUCKING, INC.**, was a federal motor carrier authorized to own and operate its tractor in interstate commerce, which it was doing at the time of the collision.

3.10 Defendant driver, **THEODORE PUTMAN**, was an agent of Defendant, **GOOD DEAL TRUCKING, INC.**, acting in the course and scope of his agency with and for Defendant, **GOOD DEAL TRUCKING, INC.**, at all material times.

3.11 Defendant driver, **THEODORE PUTMAN**, was an employee of Defendant, **GOOD DEAL TRUCKING, INC.**, acting in the course and scope of his employment with and for Defendant, **GOOD DEAL TRUCKING, INC.**, at all material times.

3.12 Plaintiff was assigned as "Unit 3" by the investigating officer.



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JEFFERSON COUNTY, TEXAS



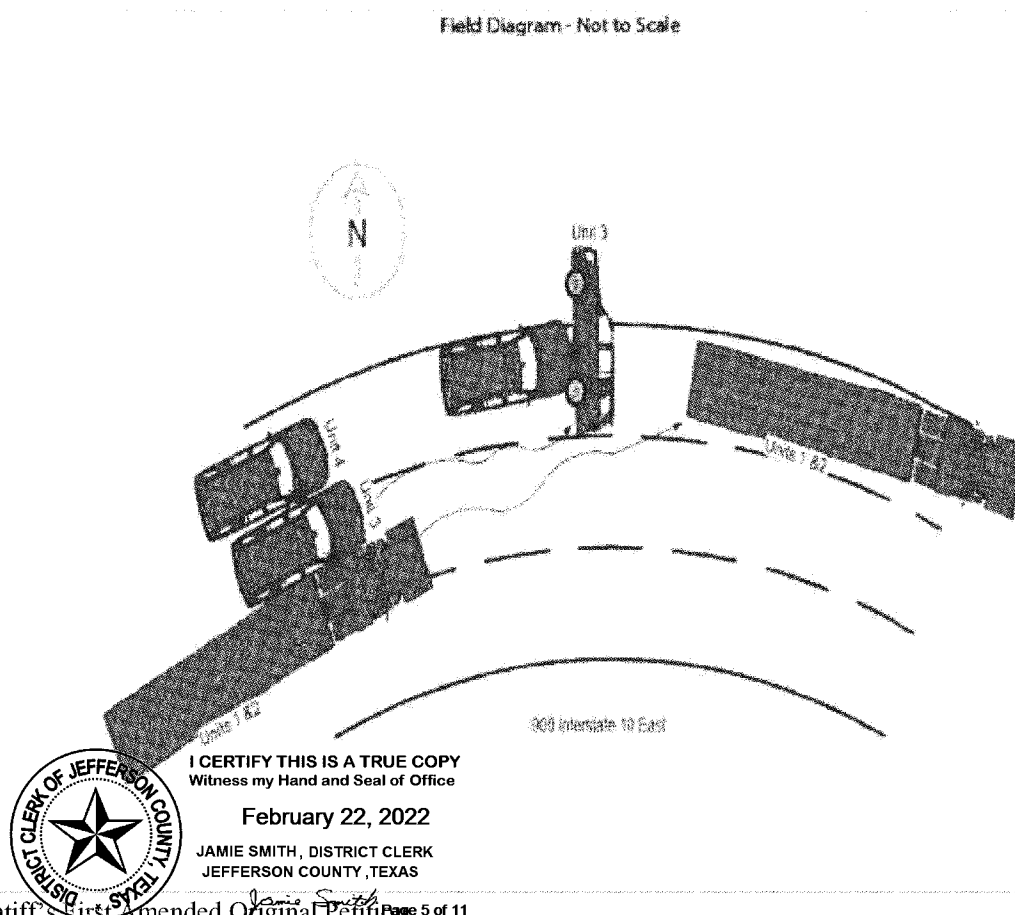
3.13 Defendant, **PHILLIP BLOCK**, was assigned as “Unit 4” by the investigating officer.

3.14 In his official peace officer’s crash report, Officer Burrell described the collision or series of collisions as follows:

Investigator's Narrative Opinion of What Happened  
(Attach Additional Sheets if Necessary)

Units one, two, three and four were all traveling east bound in the 900 block of Interstate 10 East. Unit one was towing unit two and was in the far right lane. Unit three was in the center lane and unit four was in the far left lane. According to the driver of unit one he lost control and drifted into the center lane. Unit one then pushed unit three into unit four. Units three and four then collided into the center concrete wall. Unit three was pushed onto its driver side and unit four collided again with the undercarriage of unit three. Unit one then collided with the center concrete wall and caught fire.

3.15 In his official peace officer’s crash report, Officer Burrell diagrammed the collision or series of collisions as follows:



3.16 Plaintiff and her vehicle were struck first by the vehicle owned and/or operated by Defendants, **GOOD DEAL TRUCKING, INC.** and **THEODORE PUTMAN**.

3.17 After being initially struck, Defendant, **PHILLIP BLOCK**, crashed into Plaintiff and her vehicle.

3.18 As a result of the events described above, Plaintiff sustained permanent and disabling injuries and damages.

3.19 Defendants, **GOOD DEAL TRUCKING, INC.** and **THEODORE PUTMAN** have asserted or will assert that Defendant, **PHILLIP BLOCK**, was negligent in crashing into Plaintiff's vehicle.

3.20 Plaintiff requests that a jury of her peers determine the reasonable and just value of her damages as a result of the injuries sustained and assign any comparative negligence in causing the collisions and the value of Plaintiff's injuries and damages.

3.21 At all material times, Plaintiff acted as a reasonable and prudent driver.

3.22 As a proximate result of the negligence of the Defendants, Plaintiff suffered injuries referenced hereinabove.

#### **4.00 CLAIMS FOR RELIEF**

4.01 All factual allegations set forth hereinabove and below are adopted into this count as though set forth herein word for word.

4.02 In particular, it is believed that on the occasion in question, the Defendants, **GOOD DEAL TRUCKING, INC.** and **THEODORE PUTMAN** failed to exercise the degree of care that a reasonable and prudent person would have in at least the following particulars:

4.021 In losing control over the tractor-trailer;

4.022 In failing to keep a proper lookout;

4.023 In failing to maintain and/or adequately maintain the vehicle;

4.024 In failing to train and/or adequately train;



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JEFFERSON COUNTY, TEXAS

- 4.025 In failing to warn and/or adequately warn;
- 4.026 In negligently exercising their retained right of control;
- 4.027 In negligently hiring, qualifying and/or requalifying;
- 4.028 In colliding into Plaintiff;
- 4.029 In failing to timely apply brakes;
- 4.030 In breaching duties voluntarily assumed and/or undertaken and/or imposed by State or Federal motor carrier safety regulations;
- 4.031 In traveling at a speed which was dangerous and unsafe under the circumstances;
- 4.032 Such other and further acts and omissions constituting negligence as the term is understood in law, as may be shown at the trial of this case.

4.03 In particular, it is believed that on the occasion in question, the Defendant, **PHILLIP BLOCK** failed to exercise the degree of care that a reasonable and prudent person would have in at least the following particulars:

- 4.031 In crashing into Plaintiff's stopped vehicle;
- 4.032 In crashing into Plaintiff's overturned vehicle;
- 4.033 In failing to keep a proper lookout;
- 4.034 In failing to timely apply brakes;
- 4.035 In traveling at a speed which was dangerous and unsafe under the circumstances;
- 4.036 Such other and further acts and omissions constituting negligence as the term is understood in law, as may be shown at the trial of this case.

4.04 The above acts, omissions, and mental attitude were singularly and/or severally a proximate cause of the injuries and damages sustained by your Plaintiff.

4.05 The conduct of the Defendants was reckless, dangerous, unsafe and the result was substantially certain to occur as a result of the manner in which their vehicles were operated



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immediately prior to and/or at the time of the collision amounting to gross negligence as the term is understood by law.

## **5.00 DAMAGES**

5.01 As a producing and proximate result of the Defendants' tortious acts, the Plaintiff sustained severe and disabling injuries to her body generally, including her head, face, cervical spine, lumbar spine, hip, brain and body generally resulting in a number of medical symptoms and/or adverse reactions reducing the quality of her life. Due to the nature and severity of her injuries, Plaintiff has been required to seek medical treatment. Plaintiff has been required to pay and incur liability to pay the charges which have been made for such medical services. In the future, it is reasonably probable that Plaintiff will probably require additional medical care, treatment and procedures and will be required to pay and incur liability to pay the charges which will be made for such services. The charges which have been made and which will be made for such services rendered to the Plaintiff have represented and will represent the usual, reasonable and customary charges for like and similar services in the vicinity where they have been and will be rendered. All of such services, both past and future, have been and will be necessary in connection with the proper treatment of the injuries suffered by the Plaintiff as a result of the occurrence made the basis of this suit.

5.02 All of the above damages suffered by the Plaintiff is the proximate or producing results of the acts and/or omissions of the Defendants complained of in this Petition and are in excess of the jurisdictional limits of this Court.

5.03 Your Plaintiff has sustained compensatory damages as a producing and/or proximate cause in at least the following particulars, which are expected and in all reasonable probability will continue into the future:



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JEFFERSON COUNTY, TEXAS

5.031 Reasonable and necessary costs of medical care and treatment including doctors, hospitals, nurses, medicine, and other services and supplies in the past and future;

5.032 Physical pain and suffering;

5.033 Mental anguish, not only with regard to the immediate incident as it unfolded, but also with regard to the devastating impact the incident and injuries have had on her life, and that they will probably have on the remainder of her life, including the anxiety of diminished life enjoyment and freedom of movement, and the fear and anxiety associated with the various therapies, medical procedures, and treatment that will probably be necessary to properly treat the Plaintiff; and

5.034 Physical impairment.

5.035 Lost wages; and

5.036 Loss of earning capacity.

5.04 Defendants' conduct gives rise to exemplary damages in an amount allowable by the applicable laws and statutes.

5.05 If your Plaintiff was suffering from any pre-existing disease or condition which could be said to have contributed to the injuries and damages herein alleged, they were not disabling until aggravated, excited and otherwise caused a flare-up as a natural consequence of the incident made the basis of this litigation.

## **6.00 RIGHT TO AMEND**

6.01 Plaintiff hereby expressly reserves the right to amend her pleadings to conform to the evidence.

## **7.00 PRAYER**

7.01 WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that the Defendants be cited to appear and answer herein and that on a final trial hereof, Plaintiff have judgment against the Defendants for an amount in excess of the minimum jurisdictional limits of

this Court, and Plaintiff requests that the Court award Plaintiff's damages, to be determined by the trier of fact, including



- 7.011 Actual damages as pleaded;
- 7.012 Reasonable and necessary costs of medical care and treatment including doctors, hospitals, nurses, medicine, and other services and supplies in the past and future;
- 7.013 Physical pain and suffering, past and future;
- 7.014 Mental anguish, not only with regard to the immediate incident as it unfolded, but also with regard to the devastating impact the incident and injuries have had on the Plaintiff's life, and that she will probably have on the remainder of the Plaintiff's life, including the loss of enjoyment of life, the anxiety of diminished life enjoyment and freedom of movement, the personal inconvenience, humiliation and embarrassment, and the fear and anxiety associated with the various therapies, medical procedures, and treatment that will in all reasonable probability be necessary to properly treat the Plaintiff in the future;
- 7.015 Physical impairment, past and future;
- 7.016 Property damages, storage fees, towing fees and loss of use;
- 7.017 Lost wages an/or loss of earning capacity;
- 7.018 Pre-judgment and post-judgment interest in the highest amounts allowed by law;
- 7.019 Exemplary damages;
- 7.020 Costs of Court; and
- 7.021 Such other and further relief, at law or in equity, to which Plaintiff is justly entitled.

#### **8.00 REQUEST FOR JURY TRIAL**

8.01 It is requested, pursuant to Rule 216 of the Texas Rules of Civil Procedure, that this matter be tried before a jury. An appropriate jury fee has been submitted.

#### **9.00 REQUEST FOR DISCLOSURE AND USE OF DOCUMENTS**

9.01 Plaintiff hereby requests that Defendants timely and fully comply with Rule 194(a)-(l) and make all supplements as soon as reasonably practicable. Further, Plaintiff hereby place Defendants on notice that any documents marked as exhibits to depositions and/or produced by Defendants herein will be used in pre-trial and/or trial proceedings.



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## **10.00 REQUEST FOR WITHHOLDING STATEMENT**

10.01 To the extent any Defendant withholds requested documents on the basis of assertion of privilege, demand is made for compliance with TRCP 193.3 and the production of an adequate withholding statement.

## **11.00 DESIGNATION OF LEAD COUNSEL**

11.01 Pursuant to Rule 8, of the Texas Rules of Civil Procedure, Gilbert T. Adams, III, of Gilbert Adams Law Offices, is designated as the attorney in charge for the Plaintiff in all matters relating to these claims.

Respectfully submitted,

GILBERT ADAMS LAW OFFICES  
1855 Calder Avenue at Third  
P.O. Drawer 3688  
Beaumont, Texas 77704  
Phone (409) 835-3000  
Fax (409) 832-6162  
Email [Gilbert@gta-law.com](mailto:Gilbert@gta-law.com)



---

**GILBERT T. ADAMS, III**  
State Bar No. 00790201

**ATTORNEY FOR PLAINTIFF**



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February 22, 2022

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Citation by Mailing

**THE STATE OF TEXAS**

JEFFERSON CO TEXAS  
 12/27/2021 1:13 PM  
 JAMIE SMITH  
 DISTRICT CLERK  
 B-208118

No. B-0208118

MARY GERAC  
 VS. GOOD DEAL TRUCKING INC ET AL

**CITATION BY MAILING**

**60 th JUDICIAL DISTRICT COURT  
 of JEFFERSON COUNTY, TEXAS**

To: GOOD DEAL TRUCKING INC  
 BY SVG TX SEC OF STATE, FWD TO GOOD DEAL TRUCKING INC

by serving at:  
 8634 WEST 79TH PLACE  
 ARVADA, CO 80005 0000

**DEFENDANT:****NOTICE:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Said answer may be filed by E-filing through efiletexas.gov, if represented by an attorney; or if filed pro se by delivering or mailing same to: District Clerk's Office, 1085 Pearl, Room 203, Beaumont, TX 77701. The case is presently pending before the 60 th District Court of Jefferson County sitting in Beaumont, Texas, and was filed on the 13th day of August, 2021. It bears cause number B-0208118 and is styled:

**MARY GERAC**

Plaintiff:

VS.

**GOOD DEAL TRUCKING INC ET AL**

Defendant:

The name and address of the attorney for plaintiff (or plaintiff, if pro se) is:

**ADAMS, GILBERT T III, Atty.  
 1855 CALDER AVENUE  
 BEAUMONT, TX 77701 0**

The nature of the demands of said plaintiff is shown by a true and correct copy of Plaintiff's PETITION (PLAINTIFF'S ORIGINAL) accompanying this citation and made a part thereof.

Issued under my hand and the seal of said court, at Beaumont, Texas, this the 15th day of December, 2021.

JAMIE SMITH, DISTRICT CLERK  
 JEFFERSON COUNTY, TEXAS



I CERTIFY THIS IS A TRUE COPY  
 Witness my Hand and Seal of Office

February 22, 2022

JAMIE SMITH, DISTRICT CLERK  
 JEFFERSON COUNTY, TEXAS

*Jamie Smith* Page 1 of 4

BY

Jennifer

Deputy

RETURN OF SERVICE

B-0208118

60 th JUDICIAL DISTRICT COURT

MARY GERAC

GOOD DEAL TRUCKING INC ET AL

Executed when copy was delivered:

This is a true copy of the original citation, was delivered to defendant Good Deal Trucking Inc, on the 21<sup>st</sup> day of Dec, 2021.By: Jamie Smith, Officer  
Jefferson, County, Texas  
[Signature], DeputyADDRESS FOR SERVICE:

GOOD DEAL TRUCKING INC

BY SVG TX SEC OF STATE, FWD TO GOOD DEAL TRUCKING INC

8634 WEST 79TH PLACE

ARVADA, CO 80005 0000

OFFICER'S RETURNCame to hand on the 21<sup>th</sup> day of December, 2021, at \_\_\_\_\_, o'clock \_\_\_\_m., and executed in Jefferson, County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the Citation by Mailing at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
<u>Good Deal Trucking Inc</u>	<u>Dec 21, 2021 10:34am</u>	<u>8634 West 79th Place, Arvada, CO 80005</u>

And not executed as to the defendant(s), \_\_\_\_\_

The diligence used in finding said defendant(s) being:

Cm/PRK

and the cause or failure to execute this process is:

and the information received as to the whereabouts of said defendant(s) being:

FEES:Serving Petition and Copy \$ 75  
Total \$ 75By: Jamie Smith, Officer  
Jefferson, County, TexasBy: [Signature], DeputyAffiant [Signature]COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign and return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_, and my address is \_\_\_\_\_  
(First, Middle, Last)

(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in \_\_\_\_\_, County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_.

I CERTIFY THIS IS A TRUE COPY  
Witness my Hand and Seal of Office

February 22, 2022

JAMIE SMITH, DISTRICT CLERK  
JEFFERSON COUNTY, TEXASJamie Smith Page 2 of 4

Declarant/Authorized Process Server

(Id # expiration of certification)



GOOD DEAL TRUCKING INC  
C/O TEXAS SECRETARY OF STATE  
ROOM 105  
1019 BRAZOS  
AUSTIN, TX 78701

Zone 3

CUT & FOLD HERE

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Page 3 of 4



December 21, 2021

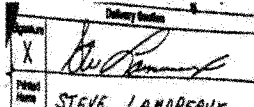

Dear MAIL MAIL:

The following is in response to your request for proof of delivery on your item with the tracking number:  
**9214 8901 0661 5400 0169 9812 39.**

#### Item Details

**Status:** Delivered  
**Status Date / Time:** December 21, 2021, 10:34 am  
**Location:** AUSTIN, TX 78711  
**Postal Product:** First-Class Mail®  
**Extra Services:** Certified Mail™  
 Return Receipt Electronic  
**Recipient Name:** GOOD DEAL TRUCKING INC

#### Recipient Signature

Signature of Recipient:	
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,  
 United States Postal Service®  
 475 L'Enfant Plaza SW  
 Washington, D.C. 20260-0004

The customer reference information shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.



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 Witness my Hand and Seal of Office

February 22, 2022

JAMIE SMITH, DISTRICT CLERK  
 JEFFERSON COUNTY, TEXAS

*Jamie Smith*  
 1019 Brazos

Austin, TX 78701-0000

Reference ID: 92148901066154000169981239

GOOD DEAL TRUCKING INC

1019 Texas Secretary of State

Room 105





Citation by Mailing

JEFFERSON CO TEXAS

1/26/2022 10:22 AM

JAMIE SMITH

DISTRICT CLERK

B-208118

## THE STATE OF TEXAS

No. B-0208118

MARY GERAC  
VS. GOOD DEAL TRUCKING INC ET AL

## CITATION BY MAILING

60 th JUDICIAL DISTRICT COURT  
of JEFFERSON COUNTY, TEXAS

To: PUTMAN, THEODORE  
BY SVG THE TX TRANS. COMM., FWD TO THEODORE PUTMAN

by serving at:  
508 EAST OSBORNE AVENUE  
TAMPA, FL 33603 0000

DEFENDANT:

## NOTICE:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Said answer may be filed by E-filing through efiletexas.gov, if represented by an attorney; or if filed pro se by delivering or mailing same to: District Clerk's Office, 1085 Pearl, Room 203, Beaumont, TX 77701. The case is presently pending before the 60 th District Court of Jefferson County sitting in Beaumont, Texas, and was filed on the 13th day of August, 2021. It bears cause number B-0208118 and is styled:

Plaintiff:

MARY GERAC  
VS.  
GOOD DEAL TRUCKING INC ET AL

Defendant:

The name and address of the attorney for plaintiff (or plaintiff, if pro se) is:

ADAMS, GILBERT T III, Atty.  
1855 CALDER AVENUE  
BEAUMONT, TX 77701 0

The nature of the demands of said plaintiff is shown by a true and correct copy of Plaintiff's PETITION (1ST AMENDED) accompanying this citation and made a part thereof.

Issued under my hand and the seal of said court, at Beaumont, Texas, this the 12th day of January, 2022.

JAMIE SMITH, DISTRICT CLERK  
JEFFERSON COUNTY, TEXAS



I CERTIFY THIS IS A TRUE COPY  
Witness my Hand and Seal of Office

February 22, 2022

JAMIE SMITH, DISTRICT CLERK  
JEFFERSON COUNTY, TEXAS

*Jamie Smith* Page 1 of 4

BY

Jennifer

Deputy

RETURN OF SERVICE

B-0208118

60 th JUDICIAL DISTRICT COURT

MARY GERAC

GOOD DEAL TRUCKING INC ET AL

Executed when copy was delivered:

This is a true copy of the original citation, was delivered to defendant Theodore Putman, on the 24th day of Jan, 2022.

Jamie Smith, Officer  
Jefferson, County, Texas  
 By: [Signature], Deputy

ADDRESS FOR SERVICE:

PUTMAN, THEODORE  
 BY SVG THE TX TRANS. COMM., FWD TO THEODORE PUTMAN  
 508 EAST OSBORNE AVENUE

TAMPA, FL 33603 0000

OFFICER'S RETURN

Came to hand on the 25th day of January, 2022, at \_\_\_\_\_, o'clock \_\_\_\_m., and executed in Jefferson, County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the Citation by Mailing at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
<u>Theodore Putman</u>	<u>Jan 24, 2022 6:48am</u>	<u>185 E 11th St, Austin, TX 78701</u>

And not executed as to the defendant(s), \_\_\_\_\_

The diligence used in finding said defendant(s) being:

CM/RLR

and the cause or failure to execute this process is: \_\_\_\_\_

and the information received as to the whereabouts of said defendant(s) being: \_\_\_\_\_

FEES:

Serving Petition and Copy \$ 75  
 Total \$ 75

Jamie Smith, Officer  
Jefferson, County, Texas  
 By: [Signature], Deputy  
 Affiant

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer of authorized person who serves, or attempts to serve, a citation shall sign and return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_, and my address is \_\_\_\_\_  
 (First, Middle, Last)

(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in \_\_\_\_\_, County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_.



I CERTIFY THIS IS A TRUE COPY  
 Witness my Hand and Seal of Office

February 22, 2022

JAMIE SMITH, DISTRICT CLERK  
 JEFFERSON COUNTY, TEXAS

Jamie Smith  
 Page 2 of 4

Declarant/Authorized Process Server

(Id # expiration of certification)

JAMIE SMITH  
DISTRICT CLERK, JEFFERSON COUN  
1085 PEARL ST RM 203  
BEAUMONT, TX 77701-3545



9214 8901 0661 5400 0170 9910 98

RETURN RECEIPT (ELECTRONIC)

THEODORE PUTMAN  
C/O TEXAS TRANSPORTATION COMMISSION  
185 EAST 11TH STREET  
AUSTIN, TX 78701-2483

CUT / FOLD HERE

Zone 3

PIX® ENVELOPE

CUT / FOLD HERE

CUT / FOLD HERE



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February 22, 2022

JAMIE SMITH, DISTRICT CLERK  
JEFFERSON COUNTY, TEXAS

*Jamie Smith* Page 3 of 4





January 24, 2022

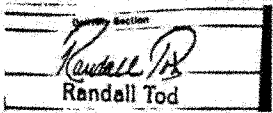
Dear MAIL MAIL:

The following is in response to your request for proof of delivery on your item with the tracking number:  
**9214 8901 0661 5400 0170 9910 98.**

#### Item Details

**Status:** Delivered  
**Status Date / Time:** January 24, 2022, 6:48 am  
**Location:** AUSTIN, TX 78714  
**Postal Product:** First-Class Mail®  
**Extra Services:** Certified Mail™  
 Return Receipt Electronic  
**Recipient Name:** THEODORE PUTMAN

#### Recipient Signature

Signature of Recipient:	 Randall Tod
Address of Recipient:	TX DOT

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,  
 United States Postal Service®  
 475 L'Enfant Plaza SW  
 Washington, D.C. 20260-0004

The customer reference information shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.



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February 22, 2022

JAMIE SMITH, DISTRICT CLERK  
 JEFFERSON COUNTY, TEXAS

*Jamie Smith*

Reference ID: 92148901066154000170991098

THEODORE PUTMAN

Texas Transportation Commission  
 185 East 11th Street  
 Austin, TX 78701-2483



FILED  
DISTRICT CLERK OF  
JEFFERSON CO TEXAS  
2/4/2022 4:16 PM  
JAMIE SMITH  
DISTRICT CLERK  
B-208118

CAUSE NO. B-208118

MARY GERAC	§	IN THE DISTRICT COURT
	§	
v.	§	JEFFERSON COUNTY, TEXAS
	§	
GOOD DEAL TRUCKING, INC., ET AL	§	60TH JUDICIAL DISTRICT

**DEFENDANT GOOD DEAL TRUCKING, INC.'S AND THEODORE PUTMAN'S  
ORIGINAL ANSWER, AFFIRMATIVE DEFENSES AND DEMAND FOR JURY TRIAL**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, GOOD DEAL TRUCKING, INC and THEODORE PUTMAN, Defendants, files this Original Answer, Affirmative Defenses and Demand for Jury Trial and submits the following to the Court:

**I. GENERAL DENIAL**

Defendants in accordance with Rule 92 of the Texas Rules of Civil Procedure, generally denies all of the allegations in Plaintiff's First Amended Petition and demand strict proof thereof by the preponderance of the evidence.

**II. AFFIRMATIVE AND OTHER DEFENSES**

- A. Should the evidence so warrant, Defendants will show that the injuries, about which Plaintiff complains, if any, were proximately and/or solely, caused by the acts or omissions of persons, entities and/or parties for whom Defendants are not responsible. Defendants specifically invoke all statutory and common law rights of contribution, comparative fault, comparative causation, comparative responsibility, indemnity, and credit or offset to which it is entitled.
- B. Plaintiff's injuries, if any, resulted from causes independent of Defendants' conduct but were the result of an unavoidable accident.



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February 22, 2022

JAMIE SMITH, DISTRICT CLERK  
JEFFERSON COUNTY, TEXAS

*Jamie Smith* Page 1 of 6

- C. Plaintiff's injuries, if any, were the result of new and independent, intervening, or superseding causes.
- D. If Plaintiff was injured as alleged, such injuries were the result of her own negligence, and that said negligence was a proximate cause, in whole or in part, of her injuries.
- E. Plaintiff's recoverable damages are limited in whole or in part by Section 41.0105 of the Texas Civil Practice and Remedies Code.
- F. Without waiving any of the foregoing, Defendants affirmatively assert that Plaintiff has failed to mitigate her damages, if any.
- G. Defendants affirmatively assert that if Plaintiff seeks recovery of loss of earnings, loss of earning capacity, and/or loss of other contributions of a pecuniary value, evidence to prove the loss must be presented in the form of a net loss after reduction for income tax payments or unpaid tax liability pursuant to any federal income tax law in accordance with Section 18.091 of Texas Civil Practice & Remedies Code. Further, if Plaintiff seeks recovery for loss of earnings, loss of earning capacity, and/or loss of other contributions of a pecuniary value, Defendants request that the Court instruct the jury as to whether any recovery for such compensatory damages sought by Plaintiff is subject to state or federal income taxes.
- H. Defendants affirmatively assert that, in the unlikely event Plaintiff is adjudged to be entitled to any damages in this matter, which is denied, Plaintiff is not entitled to recover prejudgment interest on any future damages. As a matter of law, interest on damages yet to accrue is not compensatory and is, consequently, a penalty which would not be imposed even absent a finding of gross negligence, or rather, for a lesser level or degree of culpability for which a penalty is not authorized by law.



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JAMIE SMITH, DISTRICT CLERK  
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*Jamie Smith* Page 2 of 6

I. In the unlikely event Defendants are held liable for any amount, such liability being expressly denied, Defendants specifically pleads, invokes, and reserves their rights as guaranteed by Chapters 32 and 33 of the Texas Civil Practice and Remedies Code to the extent they are ultimately applicable to this case, including, but not limited to proportionate responsibility and contribution, as well as settlement credits from any parties.

### **III. NOTICE**

Defendants hereby gives actual notice to Plaintiff that any and all documents produced during discovery may be used against Plaintiff at any pre-trial proceeding and/or trial of this matter without the necessity of authenticating the document. This notice is given pursuant to Rule 193.7 of the Texas Rules of Civil Procedure.

### **IV. JURY DEMAND**

Pursuant to the provisions of Rule 216 of the Texas Rules of Civil Procedure, Defendant, hereby demands a trial by jury. The jury demand fee has been paid.

### **V. PRAYER**

WHEREFORE, Defendants, GOOD DEAL TRUCKING INC. and THEODORE PUTMAN pray that Plaintiff takes nothing by reason of this suit and that Defendants recovers costs from Plaintiff. Defendants additionally pray for such other and further relief, both general and special, at law and inequity, to which they may be justly entitled.



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February 22, 2022

JAMIE SMITH, DISTRICT CLERK  
JEFFERSON COUNTY, TEXAS

*Jamie Smith* Page 3 of 6

Respectfully submitted,

**LITCHFIELD CAVO LLP**

/s/Matthew D. Walker

Matthew D. Walker

SBN: 24075762

walker@litchfieldcavo.com

One Riverway, Suite 1000

Houston, Texas 77056

Telephone: (713) 418-2000

Facsimile: (713) 418-2001

ATTORNEYS FOR DEFENDANTS  
GOOD DEAL TRUCKING, INC. and  
THEODORE PUTMAN

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to Tex. R. Civ. P. 21a, a true and correct copy of the foregoing instrument was served upon the parties via the court's efile system, this 4th day of February 2022.

Gilbert T. Adams, III  
Gilbert Adams Law Offices  
1855 Calder Avenue at Third  
P.O. Drawer 3688  
Beaumont, Texas 77704  
*Attorney for Plaintiff*

/s/Matthew D. Walker

Matthew D. Walker



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February 22, 2022

JAMIE SMITH, DISTRICT CLERK  
JEFFERSON COUNTY, TEXAS

*Jamie Smith* Page 4 of 6

**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Janice Ecklund on behalf of Matthew Walker  
 Bar No. 24075762  
 ecklund@litchfieldcavo.com  
 Envelope ID: 61469097  
 Status as of 2/7/2022 7:39 AM CST

## Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
David KLoveless		dki@egglestonbriscoe.com	2/4/2022 4:16:58 PM	SENT
Misty Wenger		misty@gta-law.com	2/4/2022 4:16:58 PM	SENT
Lori Buehring		lmb@egglestonbriscoe.com	2/4/2022 4:16:58 PM	SENT
JJ Bragg		jjbragg@gta-law.com	2/4/2022 4:16:58 PM	SENT
Cristina Carrigan		cc@egglestonbriscoe.com	2/4/2022 4:16:58 PM	SENT
Kaylee Gum		KRG@egglestonbriscoe.com	2/4/2022 4:16:58 PM	SENT
Kendra Wade		kendra@gta-law.com	2/4/2022 4:16:58 PM	SENT
Michelle Benoit		michelle@gta-law.com	2/4/2022 4:16:58 PM	SENT

## Associated Case Party: MARYGERAC

Name	BarNumber	Email	TimestampSubmitted	Status
Gilbert Adams III		gilbert@gta-law.com	2/4/2022 4:16:58 PM	SENT

## Associated Case Party: THEODOREPUTMAN

Name	BarNumber	Email	TimestampSubmitted	Status
Jeaneal Wright		wrightj@litchfieldcavo.com	2/4/2022 4:16:58 PM	SENT
Matthew Walker		walker@litchfieldcavo.com	2/4/2022 4:16:58 PM	SENT

## Associated Case Party: GOOD DEAL TRUCKING INC

<b>Name</b>	
Matthew Walker	
Jeaneal Wright	



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February 22, 2022

JAMIE SMITH, DISTRICT CLERK  
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*Jamie Smith* Page 5 of 6

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Janice Ecklund on behalf of Matthew Walker  
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Envelope ID: 61469097  
Status as of 2/7/2022 7:39 AM CST

Associated Case Party: GOOD DEAL TRUCKING INC

Janice Ecklund		lctxefile@litchfieldcavo.com	2/4/2022 4:16:58 PM	SENT
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JEFFERSON COUNTY, TEXAS

*Jamie Smith*

Page 6 of 6



